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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,158

01/18/2002

Jong-Phil Kim

P56642

3877

7590

08/28/2006

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EXAMINER

BONSHOCK, DENNIS G

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/050,158

Applicant(s)

KIM, JONG-PHIL

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 7-5-2006.

2. Claims 1-20 have been examined.

Status of Claims:

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pond et al., patent #5,886,690, hereinafter Pond and Bergstedt, patent #6,750,886.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pond, Bergstedt, and van Zoest et al., patent #6,496,802, hereinafter van Zoest.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pond et al., patent #5,886,690, hereinafter Pond and Bergstedt, patent #6,750,886.

8. With regard to claim 1, which teaches a file list display apparatus, comprising: an input unit for inputting a display command for displaying a sub-list having a predetermined number of files selected in an entire list of the files recorded in a recording medium, Pond teaches, in column 5, lines 22-40, column 6, lines 3-10, in

column 7, lines 21-28, and figures 2 and 5, a control unit for inputting commands to display a sub-list having a predetermined number of channels (files) with associated programs (files), from the set of all channels (files), the sub-list created from downloading, to memory storage hardware, a list of available channels (number for files) and associated programs (files) from an appropriate source. With regard to claim 1, further teaching a display unit for displaying the sub-list, Pond teaches, in column 3, lines 50-58 and figure 1, the use of a display unit to show the lists. With regard to claim 1, further teaching a controller for creating one or more sub-lists from the entire list, each sub-list being different from the other sub-lists, and controlling the display unit to successively display each of the sub-lists through the display unit when ever the display command is input through the input unit, Pond teaches, in column 5, lines 22-40, a creating of the pages from the list of all channels, with all corresponding programs, and the ability to navigate through the different pages, each comprising a different set of elements. Pond, however, doesn't explicitly state that the channels are files. Bergstedt teaches an electronic program guide using paging functions to move one page of items at a time through a list (see column 1, lines 18-49), similar to that of Pond, but further teaches an embodiment where the paged content is a list of files (see column 1, lines 18-36). It would have been obvious to one of ordinary skill in the art, having the teachings of Pond and Bergstedt to include files in a paging display. One would have been motivated to make such a combination because a means to substitute a sub-list of items with a subsequent sub-list of items, instead of replacing one item at a time, would be desirable in any list of items (programs, files, images, etc.) that can't be

simultaneously displayed. Furthermore, Bergstedt teaches paging of items in both a electronic program guide, as in Pond, and also in a group of files (see column 1, lines 18-24 and lines 36-46).

9. With regard to claims 2 and 11, which teach the sub-lists being created by grouping the files successively listed in the entire list by the predetermined number of files, Pond teaches, in column 5, lines 22-52, the grouping of successive channels, and associated programs into sub groups displayable as pages, by the predetermined number (ten in this case).

10. With regard to claims 3 and 12, which teach the display command including: a forward display command for successively displaying the sub-lists according to a forward list order of the files, and a backward display command for successively displaying the sub-lists according to a backward list order of the files, Pond teaches, in column 5, lines 22-32, the user inputting a command to page by pressing the [PAGE] button, then the user can traverse through the sub-lists of channels in either a forward or backward manner through the use of the up and down arrow keys.

11. With regard to claim 4, which teaches the input unit being a manipulation panel having a plurality of manipulation buttons for inputting the display command, Pond teaches, in column 5, lines 22-32, a plurality of buttons for inputting display commands.

12. With regard to claim 5, which teaches the display command being input by a combination of no more than two of the manipulation buttons, Pond teaches, in column 5, lines 22-32, the user inputting a command to page by pressing the [PAGE] button,

then the user can traverse through the sub-lists of channels in either a forward or backward manner through the use of the up and down arrow keys.

13. With regard to claim 6, which teaches the manipulation buttons including a forward skip button, a backward skip button and a mode set-up button, and the forward display command is input by a combination of the forward skip button and the mode set-up button, and the backward display command is input by a combination of the backward skip button and the mode set-up button, Pond teaches, in column 5, lines 22-32, the user inputting a command to page by pressing the [PAGE] button, then the user can traverse through the sub-lists of channels in either a forward or backward manner through the use of the up and down arrow keys.

14. With regard to claim 7, which teaches the forward skip button being a button for inputting an update command for updating one of the files in the sub-list according to the forward list order, and the backward skip button being a button for inputting an update command for updating one of the files in the sub-list according to the backward list order, Pond teaches, in column 5, lines 40-52, that when the up and down arrow keys are pressed without the [PAGE] button the channels change sequentially in the order they are listed.

15. With regard to claim 8, which teaches a cursor button for selecting at least one of the files in the sub-list, wherein the updating of the files by the forward skip button and the backward skip button is performed in regard to the file selected by the cursor button by changing the selected file with a from one of the files of sequentially previous sub-list or a sequentially subsequent sub-list respectfully, Pond teaches, in column 8, lines 1-

16, a [SELECT] button for selecting items from the lists, from which forward and backward movements through the channels can be made.

16. With regard to claim 9, which teaches a detection unit for detecting the entire list from the recording medium and a storage unit for string the entire list detected by the detection unit, wherein the controller creates the sub-list from the entire list stored in the storage unit, Pond teaches, in column 5, lines 22-32 and in column 11, lines 17-24, memory units for storing the list of all available channels and a controlling element for creating a sub-list of channels.

17. With regard to claim 10, which teaches reading an entire list of files recorded in a recording medium and creating one or more sub-lists having a predetermined number of files selected in the entire list, each sub-list being different from the other sub-lists, whenever a display command is input, Pond teaches, in column 5, lines 22-40, column 6, lines 3-10, in column 7, lines 21-28, and figures 2 and 5, a control unit for inputting commands to display a sub-list having a predetermined number of channels (files) each with associated programs (files), from the set of all channels (files) and associated programs (files), the sub-list created from downloading, to memory storage hardware, a list of available channels (number for files), and associated programs, from an appropriate source. With regard to claim 10, further teaching successively displaying each of the sub-lists created in the creating step whenever the display command is input, Pond teaches, in column 5, lines 22-40, a creating of the pages from the list of all channels, and associated programs, and the ability to navigate through the different pages, each comprising a different set of elements. Pond, however, doesn't explicitly

state that the channels are files. Bergstedt teaches an electronic program guide using paging functions to move one page of items at a time through a list (see column 1, lines 18-49), similar to that of Pond, but further teaches an embodiment where the paged content is a list of files (see column 1, lines 18-36). It would have been obvious to one of ordinary skill in the art, having the teachings of Pond and Bergstedt to include files in a paging display. One would have been motivated to make such a combination because a means to substitute a sub-list of items with a subsequent sub-list of items, instead of replacing one item at a time, would be desirable in any list of items (programs, files, images, etc.) that can't be simultaneously displayed. Furthermore, Bergstedt teaches paging of items in both a electronic program guide, as in Pond, and also in a group of files (see column 1, lines 18-24 and lines 36-46).

18. With regard to claim 13, which teaches the sub-lists are created from the stored entire list, Pond teaches, in column 5, lines 22-32, creating sub-lists from a stored list of all available channels.

19. With regard to claim 14, which teaches a method of controlling a file list display apparatus having a plurality of files of data recorded on a vast-capacity recording medium, the method comprising: detecting all the files recorded on the vast-capacity recording medium and storing a list of the detected files in a storage unit separate from the vast-capacity recording medium, Pond teaches, in column 5, lines 22-40, column 6, lines 3-10, in column 7, lines 21-28, and figures 2 and 5, a control unit for inputting commands to display a sub-list having a predetermined number of channels (files), with associated programs (files), from the set of all channels (files) and all associated

programs (files), the sub-list created from downloading, to memory storage hardware, a list of available channels (number for files), and associated programs, from an appropriate source (remote storage location). With regard to claim 14, further teaching creating a sub-list of the list stored in the storage unit and displaying the sub-list, Pond teaches, in column 5, lines 22-32, the creation and display of a sub-list pulled from the list of all available channels, and all associated programs. With regard to claim 14, further teaching detecting an input of a display command or a skip command and displaying a net sub-list or a previous sub-list, when the display command is detected, Pond teaches, in column 5, lines 22-32, the user inputting a command to page by pressing the [PAGE] button, then the user can traverse through the sub-lists of channels, with associated programs in either a forward or backward manner through the use of the up and down arrow keys. With regard to claim 14, further teaching displaying when a skip command is detected a list in a forward or backward sequential on-by-one scrolling manner having no more than a predetermined number of files in the list displayed at any one time, Pond teaches, in column 5, lines 40-52, that when the up and down arrow keys are pressed without the [PAGE] button the channels change sequentially in the order they are listed. Pond, however, doesn't explicitly state that the channels are files. Bergstedt teaches an electronic program guide using paging functions to move one page of items at a time through a list (see column 1, lines 18-49), similar to that of Pond, but further teaches an embodiment where the paged content is a list of files (see column 1, lines 18-36). It would have been obvious to one of ordinary skill in the art, having the teachings of Pond and Bergstedt to include files in a paging

display. One would have been motivated to make such a combination because a means to substitute a sub-list of items with a subsequent sub-list of items, instead of replacing one item at a time, would be desirable in any list of items (programs, files, images, etc.) that can't be simultaneously displayed. Furthermore, Bergstedt teaches paging of items in both a electronic program guide, as in Pond, and also in a group of files (see column 1, lines 18-24 and lines 36-46).

20. With regard to claim 15, which teaches the skip command being detected by determining whether a rewind button or a fast forward button has been activated, Pond teaches, in column 5, lines 40-52, that when the up and down arrow keys a pressed without the [PAGE] button the channels change sequentially in the order they are listed.

21. With regard to claim 16, which teaches the display command being detected by detecting activation of a mode button in combination with activation of a rewind button or a fast forward button, Pond teaches, in column 5, lines 22-32, the user inputting a command to page by pressing the [PAGE] button, then the user can traverse through the sub-lists of channels in either a forward or backward manner through the use of the up and down arrow keys.

22. With regard to claim 17, which teaches the display command being detected by detecting activation of either of a rewind button and a fast forward button when a mode button is in an on state, and the skip command being detected by detecting activation of either of the rewind button and the fast forward button when the mode button is in an off state, Pond teaches, in column 5, lines 22-32, the user inputting a command to page by pressing the [PAGE] button, then the user can traverse through the sub-lists of channels

in either a forward or backward manner through the use of the up and down arrow keys and further teaches, in column 5, lines 40-52, that when the up and down arrow keys are pressed without the [PAGE] button the channels change sequentially in the order they are listed.

23. With regard to claim 18, which teaches the sub-list comprising a different group of the files, each group comprising the predetermined number of files, Pond teaches, in column 5, lines 26-32, displaying sub-listings of channels in different groups comprising a specified number of channels.

24. With regard to claim 19, which teaches the files being grouped sequentially to form the sub-lists, Pond teaches, in column 5, lines 22-32, a grouping of files listed sequentially.

26. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pond, Bergstedt, and van Zoest et al., patent #6,496,802, hereinafter van Zoest.

27. With regard to claim 20, Pond teaches a system for displaying sub-lists of a list of files, where the files consist of entertainment data (see column 4, lines 5-8), but doesn't teach the files being music files and grouped according to song title, album, artist, and genre. Van Zoest teaches a system for providing electronic works to a user in a list form where the list can be separated into sub-lists if it comprises more than 250 elements (see column 2, lines 20-30, column 8, line 55 through column 9, line 10, and figure 8), but further teaches, in column 11, lines 31-49 and column 8, line 55 through column 9, line 10, and figure 8, the data being music data, organized according to track name,

album, artist, and genre. It would have been obvious to one of ordinary skill in the art, having the teachings of Pond, Bergstedt, and van Zoest before him at the time the invention was made to modify the system for displaying entertainment data in sub-list form of Pond and Bergstedt, to include music data organized by track name, album, artist, and genre. One would have been motivated to make such a combination because Pond and Bergstedt's system would provide the same quick maneuverability with music as it did with movies, and further Pond stated the use of his system for entertainment data. Note: van Zoest is capable of a form of pagen, as seen in figure 8, where a user can traverse groups of elements via the left an right arrows.

Response to Arguments

28. The arguments filed on 7-5-2006 have been fully considered but they are not persuasive. Reasons set forth below.

29. The applicants' argue that Bergstedt's clear differentiation between files and an electronic program guide listing channels supports the Applicant's position that channels are not equivalent to files.

30. In response the examiner respectfully submits that using the same flawed reasoning would imply that a PDA would not be able to contain files, text, graphics, etc. This erroneous reasoning would also imply that an electronic program guide and a internet web page would not be able to contain files, text, graphics, etc. This is clearly not the case. Bergstedt only differentiates between window type GUIs and non-window type GUIs.

31. The applicants' argue that there is not motivation to combine Pond and Bergstedt.

32. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner respectfully submits that a means to substitute a sub-list of items with a subsequent sub-list of items, instead of replacing one item at a time, would be desirable in any list of items (programs, files, images, etc.) that can't be simultaneously displayed. Furthermore, Bergstedt teaches paging of items in both a electronic program guide, as in Pond, and also in a group of files (see column 1, lines 18-24 and lines 36-46).

33. The applicants' further argue that there is not motivation to combine Pond and Bergstedt with van Zoest.

34. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Pond and Bergstedt's system would provide the same quick maneuverability with music as it did with movies, and further Pond stated the use of his system for entertainment data. Pond, Bergstedt, and van Zoest all proved of an organized view of items, organized in a list, pageable through user selection, and only navigation through the vast amount of elements is implemented in different ways. Note: van Zoest is capable of a form of pagin, as seen in figure 8, where a user can traverse groups of elements via the left and right arrows.

Conclusion

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

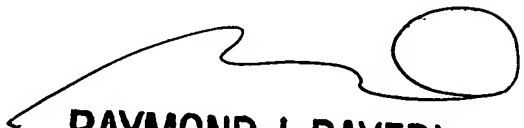
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37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8-23-06
dgb



**RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173**